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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,041	03/30/2001	David J. Helt	52493.000099	5141

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EXAMINER
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CHEN, TE Y

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/821,041	Applicant(s) HELT, DAVID J.	
	Examiner Susan Y. Chen	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.  
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-10 and 12-16 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*ML*

*RD*

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***Response to Amendment***

This office action is in response to amendment filed on 03/03/2005.

Claims 1 – 10 and 12-16 are pending for examination, claim 6 is amended and claim 11 is canceled.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt et al. (U.S. Patent No. 6,714,979) in view of Probert Jr., et al. (U.S. Patent No. 6,549,918).

As to claims 1, 6 and 12, Brandt et al. (hereinafter referred as Brandt) discloses a system with means, method and computer program product, for converting a plurality of data files and associated information from a first file format to a second file format [e.g. see Fig(s). 2-6; Abstract], comprising:

a) a legacy file server for storing a plurality of legacy data files in a first file format [e.g., the Legacy platforms 80(a)-(d), col. 9, line 50 - col. 10, line 16];

b) a file extraction program for retrieving the legacy data files as well as associated indexing and work history information from the legacy file server [e.g., the Information Advantage® software running on the Decision Support Server 475, Fig. 7 and associated texts];

c) the file extraction program further operating to convert the legacy data files and related information into data files meeting a current selected format [col. 15, lines 7-39];

d) a conversion verification program for ensuring that the conversion made by the file extraction program is completed without errors [e.g., the NRL(382), the ARDA (383) and the FTP (378) verification processing, Fig. 14(b); col. 33, line 25 – col. 34, line 34];

e) a file importing program for importing the newly converted files into a current format file server [the import/export common services at col. 7, lines 20-24]; and wherein the legacy data files include a first format image [e.g. a stored data mart files, col. 15, lines 4-5] and a format work information portion [e.g., the metadata, col. 14, line 45 – col. 15, line 20].

Brandt did not specifically disclose the file extraction program detail processing steps as claimed by applicant.

However, Probert Jr. et al. (hereinafter referred as Probert Jr.) discloses the file extraction program detail processing steps as claimed by applicant [e.g., Abstract, Fig. 3 and associated texts].

Brandt and Probert Jr. are both in the same field to extract and convert a plurality of files stored in an Internet communication environment. Therefore, it would have been

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obvious for an ordinary skilled person at the time the invention was made to apply the well known file extraction processing details as disclosed by Probert Jr. into Brandt's data extraction system, because by doing so, as suggested by Probert Jr. the combined system would dynamically formatting any application file from one format into another format for faster access and make the system upgrade easier to perform and also allows upgrades to take place in stages, which can be very important for organizations with large numbers of systems. Furthermore, applications can also embed files in a new context, such as in emails or copying to an offline media, where specific formats are required. [e.g., Probert Jr., col. 4, lines 26-49].

As to claims 2-5, 7 and 13-16, the combined system of Brandt and Probert Jr. further teaches that the file extraction program is resident on a file extraction server operatively connected to the legacy file server [e.g., Brandt: the Information Advantage® software running on the Decision Support Server 475 can be coupled to the MCI Mainframe systems, Fig(s). 3, 6-7 and associated texts]. wherein, the file extraction server comprising the following functions:

a) receiving a listing of files to be converted from one format to second format via the communication link, wherein the listing includes an identification of at least one file stored in a first file format [e.g., Brandt: the steps: 430-600, Fig. 8 and associated texts; col. 15, line 51- col. 17, line 50] and the at least one first format data file further includes a first format indexing information [e.g., Brandt: the Key Sequence indexing processing, col. 17, lines 51-col. 8, line 6];

b) determining an accuracy of the second format data file, if it is not accurate than generating an error message [e.g., Brandt: the NRL(382), the ARDA (383) and the FTP (378) verification processing, Fig. 14(b); col. 33, line 25 – col. 34, line 34];

c) converting media and document from first format to second format by using top-down and appending the next format indexing to the next media and document [Brandt: col. 20, lines 3-32; Fig. 11 and associated texts];

d) creating a second format data file including both the second format image portion and the second format work information image portion [e.g., Probert Jr.: Fig. 3 and associated texts].

As to claims 8-10, the combined system of Brandt and Probert Jr. further teaches all the features as claimed, Brandt further disclose that the conversion verification program is resident on a conversion verification server [e.g., Brandt: the StarOE server, col. 34, lines 12-15] operatively connected to the legacy file server [e.g., Brandt: the Dispatch Server (46, Fig. 3), col. 34, line 14] and the file extraction server [e.g., Brandt: the DMZ Web server, col. 33, line 65] via a network [e.g., Brandt: the Public Internet (33, Fig. 3), the NRL (382), the ARDA (383) and the FTP (378) verification processing, Fig. 14(b); col. 33, lines 25 – col. 34, line 34].

### ***Response to Argument***

Applicant's arguments with respect to claims 1-10 and 12-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen  
Examiner  
Art Unit 2161

May 25, 2005

  
UYEN LE  
PRIMARY EXAMINER